

REMARKS

Claims 1-5 and 7-13 are pending in the current application. Claims 1-5 and 7-13 currently stand rejected, and claims 1, 5, and 10 have been amended. The Examiner indicated allowable subject matter in all claims 1-5 and 7-13, and Applicants thank the Examiner for so noting. Reconsideration and allowance of the present application are respectfully requested in light of the preceding amendments and following remarks.

Previous Claim Rejections – 35 U.S.C. § 112

Claims 1-13 were rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement in the March 13, 2008 Final Office Action. While this rejection was withdrawn in the Advisory Action dated July 8, 2008 due to cancellation of rejected claim language, Applicants note that similar language has been restored to the claims, and Applicants respectfully submit the following comments in order to expedite prosecution.

With regard to claim 1, the Examiner rejected the “if the second frequency does not correspond to a known frequency based on the broadcast-multicast service flow identifier” conditional clause as lacking written description in the specification. Applicants respectfully submit that this subject matter has been rephrased as “a second frequency not known to the network from first flow identifier information previously registered by the mobile station with the network” in the presently-amended claims. This claim language exactly tracks the language in ¶ [0018] of the specification as filed, and thus this language has

in haec verba written description support in compliance with 35 U.S.C. § 112, ¶ 1. Claims 5 and 10 have been similarly amended; reconsideration and allowance of claims 1-3, 5, 7, 8, 10, and 11 as amended are respectfully requested.

Rejections under 35 U.S.C. §§ 102 and 103

Claims 1-3, 5, 7-8, and 10-11 stand rejected under 35 U.S.C. §102(e) as being anticipated by US Pat Pub 2003/0114177 to Sinnarajah et al. (“Sinnarajah”). Claims 1-13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over SWG23 BCMCS ADHOC: “Signaling Support for 1x BCMCS” (“3G-1x-BCMCS”) in view of Sinnarajah. Applicants respectfully traverse these rejection for the reasons detailed below

Initially, Applicants note that the Examiner indicated in the Final Office Action that each claim included allowable subject matter when the phrase “if the second frequency does not correspond to a known frequency based on the broadcast-multicast service flow identifier” was included in the claims. As discussed above, this phrase has been restored to the claims by this Amendment in a form complying with § 112, ¶ 2. Thus, Applicants respectfully submit that all the claims contain the previously-identified allowable subject matter not found in the art of record, as previously acknowledged by the Examiner.

Because 3G-1x-BMCS, alone or in combination with Sinnarajah, fails to teach or suggest each and every feature of the claims as amended, these references cannot anticipate or render obvious claims 1-13. Therefore, Applicants

respectfully request that this rejection of claims 1-13 under 35 U.S.C. §103 be withdrawn.

Examiner Interview Requested

Applicants respectfully request an interview with the Examiner upon taking up this response for examination should the Examiner reinstate or maintain any of the previous or current rejections for lack of written description or over art of record. In this instance, Applicants would like to discuss the requirements of § 112, ¶ 1 with the Examiner and what claim language may satisfy this requirement.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the rejections and allowance of each of claims 1-5 and 7-13 in connection with the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gary D. Yacura at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By



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